

REMARKS

Claims 13-19 currently are pending in this application. Claim 13 has been amended. New claims 18 and 19 have been added. No new matter has been added. Applicants are concurrently filing a Request for Continued Examination and respectfully request reconsideration in view of the above amendments and the following remarks.

Applicants' Response to 35 U.S.C. §103 Rejection over Pages 5-8 of the Specification in view of Singer

Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over pages 5-8 of Applicants' present specification in view of U.S. Patent No. 5,100,683 to Singer et al. (hereinafter "Singer"). Applicants respectfully traverse the rejection on the basis that the cited combination fails to render the claim obvious, as amended herein.

In the final Office Action dated 10/6/04, the Examiner maintained the rejection over pages 5-8 of the present specification in view of Singer, as previously stated in the Office Action dated 3/24/04. In the 3/24/04 Office Action, the Examiner alleges that it would have been obvious to substitute the continuous coating apparatus taught by Singer for the batch coating apparatus of the prior art, as disclosed on pages 5-8 of the present specification, to coat chewing gum.

Claim 13 has been amended herein to require the initial steps of introducing sheets of gum material into a batch coating mixer, rotating the mixer to break up the sheets of gum material into individual pieces of gum material and applying one or more layers of a coating material on the individual gum pieces inside the rotating mixer. This amendment is supported by disclosure appearing at pages 18-19 of the specification, as originally filed.

Nowhere in the prior art or in Singer is it disclosed, taught or suggested to introduce sheets of gum material into a batch-type mixer to break them apart and apply an initial coating thereon, and then to transport the individually coated gum pieces to a rotating drum member for continuous coating of an additional plurality of layers thereon. More specifically, Singer merely teaches a single rotating reel apparatus for drying and coating a food product. Singer fails to

disclose coating chewing gum. Accordingly, Singer fails to disclose or suggest the use of a batch coating mixer to break apart and provide an initial coating to chewing gum, and then transfer the gum into its rotating reel apparatus. Moreover, as Singer is not even related to chewing gum, there is no suggestion or motivation to modify its teachings as such. *See In re Kotzab*, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000), *citing B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996). Therefore, Singer fails to disclose, teach or suggest claim 13, as amended herein.

In view of the foregoing remarks, amended claim 13 is not obvious in view of the cited combination. Applicants respectfully request reconsideration and withdrawal of the Section 103 rejection based on this combination.

Additionally, Applicants have added new claim 19 herein. Claim 19 is identical to independent claim 13, prior to the present amendment, except that it requires the heated air to be dehumidified prior to introduction into the rotating drum member. Claim 19 is supported by disclosure appearing at pages 13 and 17 of the specification, as originally filed. Nowhere in Singer is it disclosed, taught or suggested to dehumidify the air prior to introducing it into the rotatable reel. Therefore, Applicants' respectfully submit that claim 19 is patentable over the prior art.

Applicants' Response to 35 U.S.C. §103 Rejection over Pages 5-8 of the Specification in view of Singer and Dumas, Greenberg, Yotka or Richey

Claims 14-17 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over pages 5-8 of Applicants' present specification in view of Singer and one of U.S. Patent Nos. 5,900,261 to Ribadeau-Dumas et al (hereinafter "Dumas"), 5,980,955 to Greenberg et al (hereinafter "Greenberg"), 5,952,019 to Yotka et al (hereinafter "Yotka"), or 5,545,417 to Richey et al (hereinafter "Richey"). Applicants respectfully traverse the rejection on the basis that the cited combination fails to render the claims obvious, as amended herein.

Dumas, Greenberg, Yotka and Richey all fail to cure the deficiencies of Singer as a reference. These additional references were cited merely for their teaching of including gum

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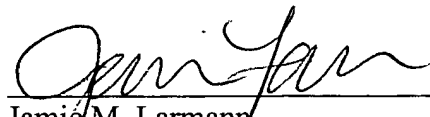
arabic in chewing gum coatings, and contain no disclosure of relevance to Applicants' amended claim 13 and claims 14-18, which depend therefrom. Nowhere in Dumas, Greenberg, Yatka or Richey is there any disclosure, teaching, or suggestion related to coating chewing gum by using both a batch-type mixer and a continuous coating apparatus.

Therefore, claims 14-17, as well as new dependent claim 18, are not obvious in view of the teachings of pages 5-8 of Applicants' present specification in view of Singer and one of Dumas, Greenberg, Yatka or Richey. Applicants respectfully request reconsideration and withdrawal of the Section 103 rejection based on this combination.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461.

Respectfully submitted,



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